

511 IAC 7-42-11 Instruction for student at student's home or alternative setting

Authority: IC 20-19-2-8; IC 20-19-2-16

Affected: IC 20-19-2; IC 20-35

Sec. 11. (a) A student may receive special education and related services from a licensed teacher in the student's home or alternative setting, for reasons other than identified in section 12 of this rule, if the CCC determines it to be the least restrictive environment appropriate to enable the student to benefit from special education and related services. If the CCC determines the student's placement to be the student's home or an alternate setting, the public agency's written notice described in section 7 of this rule must include the following:

- (1) The reason the student is not attending school.
- (2) Other options tried or considered.
- (3) The reasons the other options were rejected.
- (b) The CCC must convene at least every sixty (60) instructional days to review the IEP. The:
 - (1) type;
 - (2) length;
 - (3) frequency;
 - (4) initiation; and
 - (5) duration;

of the special education and related services must be determined by the CCC. (*Indiana State Board of Education; 511 IAC 7-42-11;*

filed Jul 14, 2008, 1:24 p.m.: 20080813-IR-511080112FRA)

511 IAC 7-42-12 Instruction for students with injuries and temporary or chronic illnesses

Authority: IC 20-19-2-8; IC 20-19-2-16

Affected: IC 20-19-2; IC 20-35

Sec. 12. (a) All students with injuries and temporary or chronic illnesses that preclude their attendance in school, including

students who are not eligible for special education and related services, must be provided with instruction.

(b) Before instruction for a student unable to attend school can begin, the parent must provide the school corporation with a

written statement from a physician (which includes a doctor of osteopathy) with a valid, unlimited license to practice medicine, or

a Christian Science practitioner, that states one (1) of the following:

- (1) The student has a temporary illness or injury that will require the student's absence from school for a minimum of twenty
 - (2) consecutive instructional days. If the:
 - (A) illness or injury occurs less than twenty (20) instructional days prior to the end of the school year; and
 - (B) student needs instruction to meet promotion or graduation requirements;
- the physician's statement must indicate that the student will be unable to attend school through the end of the current school year.

(2) The student has a chronic illness or other medical condition that will require the student's absence for an aggregate of at

least twenty (20) instructional days over the period of the school year.

(c) For a student who is:

- (1) eligible for special education and related services; and
 - (2) unable to attend school as described in subsection (b);
- special education and related services, including access to the general education curriculum, must be provided in accordance with the IEP as determined by the CCC.

(d) Instruction provided under this rule may continue through the summer to enable a student to complete a semester to meet promotion requirements.

(e) For a student who is eligible for special education and related services, instruction and related services must be provided by appropriately licensed personnel. For all other students, instruction must be provided by teachers licensed to teach the grade level of the student.

(f) The mediation and due process procedures provided in 511 IAC 7-45 do not apply to nondisabled students who receive instruction under this section. (*Indiana State Board of Education; 511 IAC 7-42-12; filed Jul 14, 2008, 1:24 p.m.: 20080813-IR*)